

## Agency 130

# Kansas Home Inspectors Registration Board

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### Article 1.—REGISTRATION, RENEWAL, AND EXAMINATION

**130-1-1. Registration.** Each person applying for registration as a home inspector shall provide the following to the board:

(a) The applicant's full legal name and date of birth;

(b) the applicant's residential, business, and mailing addresses;

(c) the applicant's residential and business telephone numbers;

(d) the applicant's electronic mail address;

(e) complete answers to all questions regarding conduct that might be grounds for denying an application for registration;

(f) (1) Identification of the school district or other entity that granted the applicant a high school diploma or its equivalent; or

(2) documentation that the applicant was engaged in the practice of performing home inspections on July 1, 2009;

(g)(1) Documentation that the applicant has completed an educational program that meets the requirements of K.A.R. 130-3-1; or

(2) documentation that the applicant was engaged in the practice of performing home inspections for at least two years before July 1, 2009 and has completed at least 50 fee-paid home inspections;

(h) documentation from an insurer authorized to do business in Kansas stating that the applicant is insured by a policy of liability insurance in the amount required by K.S.A. 58-4509, and amendments thereto;

(i) documentation from an insurer or financial institution establishing that the applicant is financially responsible as required by K.S.A. 58-4509, and amendments thereto;

(j)(1) Documentation that the applicant has successfully completed the examination required by the board for registration; or

(2) documentation that the applicant was engaged in the practice of performing home inspections for at least two years before July 1, 2009 and has completed at least 50 fee-paid home inspections;

(k) the initial registration fee specified in K.A.R. 130-2-1; and

(l) a declaration signed by the applicant under penalty of perjury under Kansas law stating that all information submitted is true and correct. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, § 3; implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, § 6; effective Jan. 4, 2010.)

**130-1-2. Registration renewal.** Each person applying for annual renewal of registration shall provide the following to the board:

(a) The applicant's full legal name and date of birth;

(b) the applicant's residential, business, and mailing addresses;

(c) the applicant's residential and business telephone numbers;

(d) the applicant's electronic mail address;

(e) proof that the applicant has obtained at least 16 credit hours of approved continuing education;

(f) complete answers to all questions regarding conduct that might be grounds for denying an application for registration or imposing a disciplinary sanction against a registered home inspector;

(g) documentation from an insurer authorized to do business in Kansas stating that the applicant is insured by a policy of liability insurance in the amount required by K.S.A. 58-4509, and amendments thereto;

(h) documentation from an insurer or financial institution establishing that the applicant is financially responsible as required by K.S.A. 58-4509, and amendments thereto;

(i) the renewal fee specified in K.A.R. 130-2-1; and

(j) a declaration signed by the applicant under penalty of perjury under Kansas law stating that all information submitted is true and correct. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

**130-1-3. Examination.** (a) To be approved by the board, each examination required for registration shall meet the following requirements:

(1) Test the applicant's knowledge of and proficiency in methods of inspection, residential building systems, report writing, and professional practices; and

(2) be psychometrically sound as evidenced by documented evaluation of the examination by an independent organization.

(b) Each examination shall be administered at a location that is under the control of either the examination owner or an entity that has agreed by contract to administer the examination. Each examination shall be proctored according to written policies and procedures that ensure the security and integrity of the examination.

(c) Each applicant shall determine, before taking an examination, whether both the examination and the entity proctoring the examination have been approved by the board.

(d) Each applicant shall pay all examination fees directly to the examination owner or administrator.

(e) Successful completion of the examination by an applicant shall mean that the applicant meets either of the following requirements:

(1) Achieved a scaled score of at least 500 on a range of 200 to 800 on the national home inspection exam offered by the examination board of professional home inspectors; or

(2) achieved a raw score of 70% on the examination offered by the national association of home inspectors, inc. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

**130-1-4. Registration expiration; renewal.** Each application for renewal of a registration shall be submitted to the board before the end of each calendar year. Each registration that is not renewed shall expire on December 31 of the year in which the registration was issued. (Authorized by and implementing K.S.A. 2008 Supp. 58-4509(c), as amended by L. 2009, Ch. 118, § 6; effective Jan. 4, 2010; amended May 7, 2010.)

**130-1-5. Reinstatement of registration.**

(a) Each person applying for reinstatement of a registration that has been expired for less than one year and that has not been revoked shall provide the following to the board:

(1) The information required for renewal of a registration specified in K.A.R. 130-1-2; and

(2) the fee for reinstatement of an expired registration specified in K.A.R. 130-2-1.

(b) Each person applying for reinstatement of a registration that has been expired for one year or more and that has not been revoked shall provide the following to the board:

(1) The information required for renewal of a registration specified in K.A.R. 130-1-2;

(2) documentation that within the one-year period before the application for reinstatement, the applicant successfully completed the examination required by the board for initial registration; and

(3) the fee for reinstatement of an expired registration specified in K.A.R. 130-2-1.

(c) Each person applying for reinstatement of a registration that has been revoked shall provide the following to the board:

(1) The information required for initial registration specified in K.A.R. 130-1-1;

(2) documentation that the applicant completed 16 credit hours of approved continuing education within the 12-month period before the application for reinstatement;

(3) documentation that within the one-year period before the application for reinstatement, the applicant successfully completed the examination required by the board for initial registration;

(4) evidence that the applicant is sufficiently rehabilitated to warrant the public trust; and

(5) the fee for reinstatement of a revoked registration specified in K.A.R. 130-2-1. (Authorized by and implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, § 6; effective Jan. 4, 2010.)

**Article 2.—FEES**

**130-2-1. Fees.** The registration fees shall be as follows:

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|--|--------|
| (a) (1) Initial registration received January 1 through June 30 .....                | \$100  |
| (2) Initial registration received July 1 through September 30 .....                  | \$75   |
| (3) Initial registration received October 1 through December 31 .....                | \$50   |
| (b) (1) Annual renewal of registration received on or before December 31, 2011 ..... | no fee |
| (2) Annual renewal of registration received on or after January 1, 2012 .....        | \$100  |
| (c) Additional fee for late renewal ...  | \$50   |
| (d) Application for inactive status .....  | \$50   |
| (e) Renewal of registration from inactive to active status .....                     | \$200  |
| (f) Reinstatement of expired registration .....                                      | \$250  |
| (g) Reinstatement of revoked registration .....                                      | \$300  |
| (h) Duplicate copy of registration ....  | \$10   |
| (i) Application for approval of education provider .....                             | \$500  |
| (j) Application for approval of continuing education provider .....                  | \$50   |

(Authorized by K.S.A. 2010 Supp. 58-4506; implementing K.S.A. 2010 Supp. 58-4506 and K.S.A. 2010 Supp. 58-4509; effective Jan. 4, 2010; amended, T-130-11-21-11, Nov. 21, 2011; amended March 2, 2012.)

**Article 3.—EDUCATION PROGRAMS**

**130-3-1. Approval of education providers.** (a) Each application packet submitted by an education provider shall include a completed application on a form provided by the board, the fee required by K.A.R. 130-2-1, a syllabus describing the course of study and the proposed date the education program is to begin, and sufficient documentation to establish that all of the requirements of this regulation have been met. Each application packet shall be submitted at least 90 days before the proposed date the education is to begin.

(b) The course of study of each educational program shall include at least 80 hours of instruction in the following topics:

- (1) Structural systems, including the following:
  - (A) Foundations, basements, and drainage;

(B) interior walls, windows, doors, stairways, ceilings, and floors;

(C) exterior walls, windows, doors, and stairways;

(D) exterior coatings, claddings, and glazing;

(E) roof structure, coverings, penetration, drainage, and attics;

(F) porches, decks, driveways, and walkways;

(G) railings and assistive devices; and

(H) thermal insulation, air penetration, and moisture barriers;

(2) environmental heating, cooling, and ventilation devices, controls, and distribution systems, including the following:

(A) Solid, liquid, and gas fuel heating systems;

(B) electrical heating and cooling systems; and

(C) chimneys, ductwork, vents, fans, flues, and dryer vents;

(3) plumbing systems, controls, and drain, vent, water, and gas components;

(4) waste and sewage systems, but not including private waste systems;

(5) water supply systems and components, but not including private water supplies;

(6) electrical systems, controls, and components for heating, ventilation, and air conditioning;

(7) electrical systems, controls, and components for lighting and home appliance power;

(8) (A) Primary electrical service from the masthead to the main panel, which is also known as the electrical service entrance; and

(B) electrical panels, branch electrical circuits, connected devices, and fixtures;

(9) the Kansas home inspection laws and regulations;

(10) the Kansas code of ethics specified in K.A.R. 130-4-1 and the standards of practice specified in K.A.R. 130-4-2;

(11) home inspection documents, forms, and contracts; and

(12) report writing and the legal ramifications of report content.

(c) Instruction shall be on-site, except that an educational program may include as many as three field training experiences of no more than four hours each. Field training shall not include distance learning or any other type of instruction in a virtual classroom. The duration of each course shall not exceed six months.

(d) Each instructor shall meet at least one of the following requirements:

- (1) Have experience practicing as a home in-

spector for at least five of the seven years immediately before becoming an instructor;

(2) have experience teaching the subject matter now being taught for at least five of the seven years immediately before becoming an instructor in the program;

(3) have attained at least 12 credit hours in the subject being taught and have practiced in a field related to the subject being taught for at least 12 of the 24 months immediately before becoming an instructor;

(4) have successfully completed a postsecondary educational program in the subject being taught and have practiced in a field related to the subject matter being taught for at least 12 of the 24 months immediately before becoming an instructor; or

(5) have experience working in a field related to the subject being taught at least 1,000 hours each year for at least five of the seven years immediately before becoming an instructor.

(e) Each educational provider shall require 100 percent attendance during the course of study instruction.

(f) Each educational provider shall require successful completion of at least one comprehensive examination on the topics in the course of study.

(g) The provider of each educational program shall furnish a certificate or other official document verifying successful completion of the program to each student who has successfully completed the program.

(h) The provider of each educational program shall maintain a record of each program for at least 36 months following the completion of the program and shall provide a copy of each record to the board within five days following receipt of a request by the board. The record shall include at least the following:

(1) Course materials;

(2) documentation that each instructor who provides instruction in the program meets the requirements of this regulation;

(3) a list of each student enrolled in the program;

(4) for each student enrolled in the program, a record that the student completed the program, failed the program, or withdrew from the program; and

(5) for each field training experience included as part of the program, a statement of the date, number of hours, and location of the field training experience.

(i) Each approved education provider shall notify the board within 10 days that any of the information provided to the board has changed. Approval of an education provider shall be withdrawn if the board determines after notice and an opportunity to be heard that the education provider no longer meets the requirements of this regulation. (Authorized by and implementing K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

#### **Article 4.—CODE OF ETHICS AND STANDARDS OF PRACTICE**

**130-4-1. Code of ethics.** Each registrant shall conduct each home inspection in accordance with the Kansas home inspectors registration board's "code of ethics," as approved on April 17, 2009 and hereby adopted by reference. (Authorized by and implementing K.S.A. 2009 Supp. 58-4504; effective, T-130-1-4-10, Jan. 4, 2010; effective June 18, 2010.)

**130-4-2. Standards of practice.** Each registrant shall conduct each home inspection in accordance with the Kansas home inspectors registration board's "home inspection standards of practice," as approved on September 17, 2009 and hereby adopted by reference. (Authorized by and implementing K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; effective June 18, 2010.)

#### **Article 5.—CONTINUING EDUCATION**

**130-5-2. Approval of continuing education providers.** (a) Each continuing education course required by K.A.R. 130-1-2 or K.A.R. 130-1-5 shall meet all of the following requirements:

(1) Each workshop, seminar, or presentation offered shall be conducted by a person having expertise in home inspections through education, training, or experience.

(2) Each registrant attending a continuing education course shall receive written materials suitable for later reference by the registrant.

(3) Each continuing education course shall be publicized with identification and qualifications of the faculty who will present the course, a description of the subject matter, the learning objectives, the cost of attending the program, and the number of continuing education hours to be awarded upon completing the course.

(4) Each continuing education course offered shall be open for attendance by any registrant who pays the fee. No registrant shall be denied admission on the basis of race, gender, age, or any similar factor.

(5) Each continuing education course shall be accessible by a person with a disability.

(6) Each registrant attending a continuing education course shall be given written documentation identifying the course by name, the approved continuing education provider, and the date on which the registrant attended the course and certifying the number of hours awarded to the registrant.

(b) Any continuing education provider that has not previously been approved by the board may submit a written request for approval to the board. Each request for approval shall contain the following:

(1) The name, address, and telephone number of the organization or person requesting approval;

(2) a description of each continuing education course that the provider intends to offer and each

date on which the course is intended to be offered;

(3) a copy of the publication materials required by paragraph (a)(3) for each course that is intended to be offered; and

(4) the fee specified in K.A.R. 130-2-1.

(c) Each approved continuing education provider shall maintain records of each continuing education course offered for at least three years from the date the course was offered. These records shall include a copy of all publication materials distributed, identification of each presenter, a description of the qualifications of each presenter, a copy of all written materials distributed to registrants, and a copy of the documentation for each registrant required by paragraph (a)(6).

(d) Each approval of a continuing education provider shall be effective for one year. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3, and K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective May 7, 2010.)